

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

NATIONAL INFUSION CENTER
ASSOCIATION, *et al.*,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of Health and Human
Services, *et al.*,

Defendants.

Case No. 1:23-cv-00707

**ECONOMISTS AND SCHOLARS OF HEALTH POLICY'S MOTION
FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Ryan A. Botkin
Texas State Bar No. 00793366
ryan@bccAustin.com
Katherine P. Chiarello
Texas State Bar No. 24006994
katherine@bccAustin.com
María Amelia Calaf
Texas State Bar No. 24081915
mac@bccAustin.com

BOTKIN CHIARELLO CALAF PLLC
1209 Nueces Street
Austin, Texas 78701
T: (512) 615-2341
F: (737) 289-4695

Pursuant to Local Rule CV-7(b), Amici Richard G. Frank, Fiona M. Scott Morton, Aaron S. Kesselheim, Gerard F. Anderson, Rena M. Conti, David M. Cutler, and Jack Hoadley (collectively “Amici”) respectfully seek leave to file a brief of amici curiae, attached hereto as Exhibit A, in support of Defendant’s Motion for Summary Judgment. *See* ECF No. 35. Counsel for Amici have conferred with counsel for all parties via email. Counsel for Defendant indicated that they do not oppose this motion. At the time of this filing, Counsel for Plaintiffs had not responded.

Amici are economists and health policy scholars. who focus their work on healthcare markets and pharmaceutical drug pricing. Their brief does not directly address the parties’ competing constitutional arguments. Instead, they submit this brief to provide the Court with the background necessary to understand the economics of the Medicare market; the relationship between intellectual property rights, drug prices, and innovation; continued investment in research and development efforts by industry; and the Inflation Reduction Act’s role in correcting for market failure and restoring bargaining equity in the marketplace.

For the foregoing reasons, Amici respectfully requests that the Court grant its motion for leave to file the Brief of Economists and Scholars of Health Policy in Support of Defendant’s Motion for Summary Judgment, attached hereto as Exhibit A.

Respectfully submitted,

/s/ María Amelia Calaf

Texas State Bar No. 00793366

ryan@bccAustin.com

Katherine P. Chiarello

Texas State Bar No. 24006994

katherine@bccAustin.com

María Amelia Calaf

Texas State Bar No. 24081915

mac@bccAustin.com

BOTKIN CHIARELLO CALAF PLLC
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Austin, Texas 78701
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F: (737) 289-4695

ATTORNEYS FOR ECONOMISTS AND
SCHOLARS OF HEALTH POLICY

CERTIFICATE OF CONFERENCE

I certify that counsel for Amici conferred with counsel for both Plaintiffs and Defendants by email on April 27, 2025, to determine whether they oppose the relief sought by this Motion for Leave. Counsel for Defendant confirmed that they do not oppose the relief sought by this Motion. Counsel for Plaintiffs did not respond to the request.

/s/ María Amelia Calaf
María Amelia Calaf

CERTIFICATE OF SERVICE

I certify that on April 28, 2025, the foregoing was electronically filed using the Court's electronic filing system, by which notice of this filing will be sent to all counsel of record.

/s/ María Amelia Calaf
María Amelia Calaf